

EXHIBIT JJ

PETER SURETTE June 19, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Civil Action No. 3:07-CV-01658 (PJH)

ORACLE CORPORATION, a Delaware corporation, ORACLE
USA, INC., a Colorado corporation, and ORACLE
INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP AMERICA, INC., a
Delaware corporation, TOMORROWNOW, INC., a Texas
corporation, and DOES 1-50, inclusive,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEOTAPE DEPOSITION OF: PETER SURETTE
June 19, 2009

PURSUANT TO NOTICE, the videotape
deposition of PETER SURETTE was taken on behalf of the
Plaintiff at 16455 East 40th Circle, Aurora, Colorado
80111, on June 19, 2009, at 11:36 a.m., before
Sandra L. Bray, Registered Diplomate Reporter,
Certified Realtime Reporter, and Notary Public within
Colorado.

PETER SURETTE June 19, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 43

12:20:01 1

12:20:05 2

12:20:10 3

12:20:15 4

12:20:18 5

12:20:18 6

12:20:21 7

12:20:25 8

12:20:30 9

12:20:30 10

Q. But at some point, the downloads were

12:20:34 11

consolidated into this master folder, right?

12:20:37 12

A. Yes.

12:20:37 13

Q. At that point, was there any way to

12:20:42 14

determine which customer's credential had been used to

12:20:46 15

download which file?

12:20:47 16

A. No.

12:20:48 17

Q. Is there any way to determine that that

12:20:56 18

you're aware of?

12:20:57 19

A. No. We used the file creation date

12:21:01 20

against the maintenance end date. That was the

12:21:03 21

criteria initially.

12:21:04 22

12:21:10 23

12:21:11 24

12:21:15 25

PETER SURETTE June 19, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 45

12:22:39 1

12:22:40 2

12:22:41 3

12:22:42 4

12:22:48 5

12:22:51 6

12:22:55 7

12:22:58 8

12:22:58 9

12:23:02 10

12:23:07 11

12:23:10 12

12:23:11 13

12:23:13 14

12:23:18 15

12:23:21 16

Q. And so is it accurate then to say that

12:23:26 17

for any given file within the master folder in ESU,

12:23:30 18

for example, it might have been copied into several

12:23:34 19

different customer-specific folders if the date on the

12:23:38 20

ESU was prior to the maintenance end date of those

12:23:42 21

various customers?

12:23:42 22

A. That's a reasonable assumption, yes.

12:23:44 23

Q. And that was (sic) the instructions that

12:23:47 24

were given out to the sorting team?

12:23:48 25

A. Yes.

PETER SURETTE June 19, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 123

15:10:06 1

15:10:08 2

15:10:13 3

15:10:16 4

15:10:19 5

15:10:20 6

15:10:23 7

15:10:28 8

15:10:33 9

15:10:36 10

15:10:40 11

15:10:40 12

15:10:44 13

15:10:49 14

15:10:52 15

15:10:52 16

15:10:54 17

15:10:55 18

Q. (BY MR. HOWARD) And each of those

15:10:56 19

folders then individually needed to be split out to

15:11:00 20

the customer-specific folders that had been created?

15:11:03 21

A. Yes.

15:11:03 22

Q. And from each of those folders, any

15:11:06 23

given fix could be copied multiple times into multiple

15:11:10 24

customer-specific folders depending on maintenance end

15:11:13 25

date and the date of the file and the folder?

PETER SURETTE June 19, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 124

15:11:16 1 A. Yes.

15:11:19 2

15:11:23 3

15:11:29 4

15:11:29 5

15:11:33 6

15:11:36 7

15:11:41 8

15:11:44 9

15:11:45 10

15:11:56 11

15:11:57 12

15:11:58 13

15:12:00 14

15:12:04 15

15:24:23 16

15:24:31 17

15:24:36 18

15:24:37 19

15:24:40 20

15:24:43 21

15:24:46 22

15:24:50 23

15:24:59 24

15:25:02 25

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

My commission expires January 16, 2012.

SANDRA L. BRAY
NOTARY PUBLIC
STATE OF COLORADO

Sandra L. Bray
Sandra L. Bray, RMR, GRR, RDR
Certified Realtime Reporter